

BDFTE# 00000009954702

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Attorney for JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:	§ CASE NO. 23-34075-H4-13
	§
JAMES DOUGLAS BUTCHER,	§
Debtor	§ CHAPTER 13

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSLY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW JPMORGAN CHASE BANK, NATIONAL ASSOCIATION (hereinafter "Creditor"), a secured creditor in this bankruptcy case, and files its Objection to Confirmation of the Debtor's Chapter 13 Plan. In support thereof, Creditor would allege as follows:

I.

Creditor is the secured servicer in this bankruptcy case. On or about November 30, 1998, executed a Note payable to JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, in

the original principal amount of SIX HUNDRED TWENTY THOUSAND DOLLARS AND ZERO CENTS, (\$620,000.00). The Note and Lien were assigned to Creditor. The Note is secured by a first lien Deed of Trust on property described to wit:

480 KIRBY RD
SEABROOK, TX 77586-5201

II.

Creditor has not yet filed a proof of claim. Creditor estimates that the claim, when filed, will have arrears in the amount of \$3,866.20, consisting of a projected escrow shortage. The claim is secured by the Debtors homestead and primary residence. Creditor estimates that the monthly mortgage payment will be \$5,160.59 per month. Creditor is in the process of preparing its Proof of Claim. Creditor asserts this Objection to preserve its rights and to assist in the efficient administration of the confirmation process.

III.

Debtors' Chapter 13 Plan lists the loan as current and provides for the debtor to disburse the post-petition mortgage payments. Creditor objects to the proposed treatment because the Plan:

- Fails to satisfy Creditor's Claim pursuant to the terms of the Note and Deed of Trust.
- Does not provide for full payment of the Creditor's allowed secured claim.
- Fails to timely cure the default reflected in the Claim as required in 11 U.S.C. §1322 (b)(5).
- The proposed Plan does not pay the full arrearages due and owing on the Note. Creditor objects to confirmation of the chapter 13 Plan pursuant to 11 U.S.C. §1325 (a)(5)(II) because the Plan does not distribute to Creditor an amount equal to the value of Creditor's allowed secured claim in that no provision is made for the payment of the pre-petition arrearages owed to Creditor on its allowed secured claim.

IV.

Confirmation should be denied as the Plan does not meet the requirements of 11 U.S.C. §1325(a).

WHEREFORE, Creditor prays that this Court deny confirmation of the Debtors' Chapter 13 Plan.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

BY: /s/ MITCHELL BUCHMAN
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ATTORNEY FOR CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that on November 27, 2023, a true and correct copy of the Objection to Confirmation of Debtor(s) Chapter 13 Plan was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties listed on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP.

BY: /s/ MITCHELL BUCHMAN
MITCHELL BUCHMAN
TX NO. 03290750

BY ELECTRONIC NOTICE OR REGULAR FIRST CLASS MAIL:

DEBTOR:

JAMES DOUGLAS BUTCHER
480 KIRBY RD
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DEBTOR'S ATTORNEY:

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TRUSTEE:

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